

EXHIBIT H

From: [Michael Wynne](#)
To: [Coley, Timothy J. \(CRM\)](#)
Cc: [Kosmidis, John \(CRM\)](#); [Murali, Michael \(CRM\)](#); [Heather Martinez](#)
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production
Date: Friday, October 29, 2021 10:00:06 AM

Understood. Yes, my client is opposed.

From: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Sent: Friday, October 29, 2021 8:29 AM
To: Michael Wynne <mwynne@gcfirm.com>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; Heather Martinez <hmartinez@gcfirm.com>
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

Good Morning Michael,

We are planning to move the Court for authorization to release the four recordings referenced below to the prosecution team. In light of your stated privilege position, we expect that your client opposes this request, but please let us know as soon as possible if this is not the case. Thank you.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Michael Wynne <mwynne@gcfirm.com>
Sent: Tuesday, September 14, 2021 10:47 PM
To: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; Heather Martinez <hmartinez@gcfirm.com>
Subject: Re: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

We intend to assert the privilege

Sent from my iPhone

On Sep 14, 2021, at 2:54 PM, Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov> wrote:

Michael,

We understand that communications with Mr. Lewis are captured or referenced on all four recordings, and we are requesting your client's position regarding whether CC

Pharmacy still claims to maintain privilege over these recordings in light of the company's defunct status. *See, e.g., United States v. Walters*, No. 2:19-CR-51-KS-MTP, 2020 WL 1934803, at *2 (S.D. Miss. Apr. 21, 2020) (*quoting City of Rialto v. U.S. Dept. of Defense*, 492 F. Supp. 2d 1193, 1197 (C.D. Cal. 2007)).

If your client is asserting privilege over these recordings, we intend to file a motion seeking approval for their release; if not, we will release them to the prosecution team in light of the parties' non-assertion. Thank you.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Michael Wynne <mwynne@gcfirm.com>
Sent: Tuesday, September 14, 2021 3:40 PM
To: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; Heather Martinez <hmartinez@gcfirm.com>
Subject: Re: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

Do all four include Lewis's voice or just one of the four? Difficult for me to discern who was listening on conference calls

Sent from my iPhone

On Sep 14, 2021, at 2:34 PM, Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov> wrote:

Hi Michael,

The recordings do contain communications with Mr. Lewis, but we're asking whether your client asserts any privilege over those communications on behalf of CC Pharmacy, LLC or otherwise. Thanks.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Michael Wynne <mwynne@gcfirm.com>
Sent: Tuesday, September 14, 2021 2:38 PM
To: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; Heather Martinez <hmartinez@gcfirm.com>
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

I must be missing something here. I only hear attorney Don Lewis on one of these recordings.

From: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Sent: Monday, September 13, 2021 4:19 PM
To: Michael Wynne <mwynne@gcfirm.com>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>; Heather Martinez <hmartinez@gcfirm.com>
Subject: Re: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

Hi Michael—please advise regarding your client’s privilege position as to the four recordings. Thank you.

On Sep 9, 2021, at 11:30 AM, Michael Wynne <mwynne@gcfirm.com> wrote:

My apologies for the delay. I will get back with you by Monday.

From: Coley, Timothy J. (CRM) <Timothy.J.Coley@usdoj.gov>
Sent: Thursday, September 9, 2021 10:19 AM
To: Michael Wynne <mwynne@gcfirm.com>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

Counsel,

We have not received your response to my email below requesting your client’s privilege position as to the four recordings produced on June 24, 2021. As such, we intend to file a motion for authorization to release the recordings within the next two weeks. If we do not hear back from you otherwise, we will note in our motion that you have not responded, and

we assume your position is opposed to our request. Please let me know immediately if that is not the case. Thank you for your prompt attention to this matter.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Coley, Timothy J. (CRM)
Sent: Wednesday, September 1, 2021 5:28 PM
To: 'mwynne@gcfirm.com' <mwynne@gcfirm.com>
Cc: Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>; Murali, Michael (CRM) <Michael.Murali@usdoj.gov>
Subject: RE: United States v. Dustin Curry et. al., Case No.: 18-cr-00339
Filter Production

Good Afternoon Counsel,

I am the filter attorney in the above-referenced matter from the Special Matters Unit of the Fraud Section. I write regarding the four recordings that were produced to you on June 24, 2021, as referenced in the transmittal letter and email below of same date.

The filter team understands that CC Pharmacy, LLC (and its affiliate CC Pharmacy companies) have forfeited their charters, and their corporate registrations have been terminated by the State of Texas. As such, we do not believe that any viable privilege attaches to these recordings. *See, e.g., United States v. Walters*, No. 2:19-CR-51-KS-MTP, 2020 WL 1934803, at *2 (S.D. Miss. Apr. 21, 2020) (*quoting City of Rialto v. U.S. Dept. of Defense*, 492 F. Supp. 2d 1193, 1197 (C.D. Cal. 2007)).

Please advise by **next Wednesday, September 8, 2021**, whether your client still maintains that CC Pharmacy, LLC can and does assert privilege over these four recordings. If so, we intend to file a motion on this matter. Thank you.

Timothy J. Coley
Trial Attorney, Fraud Section
U.S. Department of Justice (CRM)
Cell: 202-262-6631
Email: Timothy.J.Coley@usdoj.gov

From: Murali, Michael (CRM) <Michael.Murali@usdoj.gov>

Sent: Thursday, June 24, 2021 3:25 PM

To: 'mwynne@gcfirm.com' <mwynne@gcfirm.com>

Cc: Seifert, Michael (CRM) <Michael.Seifert2@usdoj.gov>; Kosmidis, John (CRM) <John.Kosmidis@usdoj.gov>

Subject: United States v. Dustin Curry et. al., Case No.: 18-cr-00339 Filter Production

Mr. Wynne,

I work with the Fraud Section Special Matters Unit. Attached on behalf of Mr. John Kosmidis is a discovery letter from the filter team in this matter. You will receive a disc with the materials referenced therein by FedEx to your address. The password for the drive is DHvUC#MB4W9C#meM. If you have any questions, please contact Mr. Kosmidis.

Thank you,

Mike Murali

Project Manager – CACI, Inc.

U.S. Department of Justice – Fraud Section – Special Matters Unit
Washington, D.C.

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